

E-Filed on 05/09/07

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## Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

## USA COMMERCIAL MORTGAGE COMPANY,

## USA CAPITAL REALTY ADVISORS, LLC.

**USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,**

**USA CAPITAL FIRST TRUST DEED  
FUND, LLC,**

## USA SECURITIES, LLC,

## Debtors.

### Affects:

- All Debtors
  - USA Commercial Mortgage Company
  - USA Capital Realty Advisors, LLC
  - USA Capital Diversified Trust Deed Fund, LLC
  - USA Capital First Trust Deed Fund, LLC
  - USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING  
TRP FUND MANAGERS, LLC TO  
PRODUCE ONE OR MORE  
REPRESENTATIVES FOR  
EXAMINATION PURSUANT TO  
FEDERAL RULE OF  
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating

Trust (the “Trust” or “Movant”) hereby moves this Court for an order requiring TRP Fund Managers, LLC (“TRP”) to produce one or more representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy Procedure 9016, to appear for

examination at the office of Esquire Deposition Services, 1 East Liberty Street, 6<sup>th</sup> Floor, Reno, Nevada 89504, on a business day no earlier than ten (10) business days after the filing of this Motion and no later than June 30, 2007, or at such other mutually agreeable location, date, and time, and continuing from day to day thereafter until completed.

This Motion is further explained in the following Memorandum.

## **Memorandum**

The Movant seeks information concerning various transactions between TRP and USACM, the other debtors in the above-captioned cases (together with USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related entities. The Movant seeks this information to assist in the collection of the assets and the investigation of the liabilities of the Debtors.

The requested discovery from TRP is well within the scope of examination permitted under Bankruptcy Rule 2004, which includes:

[t]he acts, conduct, or property or . . . the liabilities and financial condition of the debtor, or . . . any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. In a . . . reorganization case under chapter 11 of the Code, . . . the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefore, and any other matter relevant to the case or to the formulation of a plan.

## **Conclusion**

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

<sup>1</sup> FED.R. BANKR. P. 2004(b).

1 Dated: May 9, 2007.

2 **DIAMOND MCCARTHY LLP**

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21 *Counsel for USACM Liquidating Trust*

1                   **CERTIFICATE OF SERVICE**

2                   I hereby certify that a true and correct copy of the foregoing Motion has been  
3 served on May 9, 2007, by electronic transmission and by United States Mail, first class,  
4 postage prepaid and properly addressed to counsel for TRP Fund Managers, LLC at the  
5 following address:

6                   Kaaran Thomas  
7                   McDonald Carano Wilson, LLP  
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11                  /s/ *Eric D. Madden*  
12                  Eric D. Madden

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